

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariana Thomas	Team: Squad #16	CCRB Case #: 202106759	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/05/2021 1:38 AM, Saturday, 11/06/2021 1:30 AM	Location of Incident: 97-34 63rd Road and 69-01 Woodhaven Blvd	Precinct: 112	18 Mo. SOL 5/5/2023	EO SOL 5/5/2023	
Date/Time CV Reported Fri, 11/05/2021 6:26 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 11/05/2021 6:26 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Christopher Fusaro	00000	936628	112 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Hassein Albarati	13608	960141	112 PCT
2. PO Steven Lafrance	21307	964104	112 PCT
3. PO Marlenis Roque	02448	949571	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Christopher Fusaro	Abuse: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro stopped the vehicle in which § 87(2)(b) was an occupant.	
B.LT Christopher Fusaro	Abuse: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro threatened to arrest § 87(2)(b)	
C.LT Christopher Fusaro	Abuse: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro threatened to arrest § 87(2)(b)	
D.LT Christopher Fusaro	Abuse: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro threatened § 87(2)(b) with the use of force.	
E.LT Christopher Fusaro	Discourtesy: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro spoke discourteously to § 87(2)(b)	
F.LT Christopher Fusaro	Off. Language: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
G.LT Christopher Fusaro	Discourtesy: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.LT Christopher Fusaro	Abuse: On November 6, 2021, at 69-01 Woodhaven Boulevard in Queens, Lieutenant Christopher Fusaro stopped the vehicle in which § 87(2)(b) was an occupant.	
I.LT Christopher Fusaro	Discourtesy: On November 6, 2021, at 69-01 Woodhaven Boulevard in Queens, Lieutenant Christopher Fusaro spoke discourteously to § 87(2)(b)	
J.LT Christopher Fusaro	Off. Language: On November 6, 2021, at 69-01 Woodhaven Boulevard in Queens, Lieutenant Christopher Fusaro made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	

Case Summary

On November 5, 2021, § 87(2)(b) filed this complaint via the CCRB's Call Processing System.

On November 5, 2021, at approximately 1:38 a.m., outside of 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro and Police Officer Hassein Albarati, both of the 112th Precinct, stopped § 87(2)(b) vehicle (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) § 87(2)(b) stood on the sidewalk and recorded the officers on his cellphone with the camera's flash activated, and Lieutenant Fusaro threatened to arrest him (**Allegation B: Abuse of Authority**, § 87(2)(g) Lieutenant Fusaro threatened to arrest § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g) Lieutenant Fusaro allegedly told § 87(2)(b) "Stop putting your hands in your pocket, I am allowed to beat you down to the floor," and "I can beat you down to the floor" (**Allegation D: Abuse of Authority**, § 87(2)(g) Lieutenant Fusaro allegedly told § 87(2)(b) "Thanks again for not crying again like a little bitch in front of your friends," and told § 87(2)(b) "I want to thank you for not crying like you did in our cells" (**Allegation E: Discourtesy**, § 87(2)(g) **Allegation F: Offensive Language**, § 87(2)(g) **Allegation G: Discourtesy**, § 87(2)(g)

PO Albarati issued § 87(2)(b) two moving violations for double parking and for having an improperly displayed license plate (**Board Review 07**).

On November 6, 2021, at approximately 1:30 a.m., outside of 69-01 Woodhaven Boulevard in Queens, Lieutenant Fusaro and PO Albarati stopped § 87(2)(b) vehicle (**Allegation H: Abuse of Authority**, § 87(2)(g) Lieutenant Fusaro allegedly deactivated his body-worn camera ("BWC") and told § 87(2)(b) "Thank you for not crying like a little bitch again in front of your friends" (**Allegation I: Discourtesy**, § 87(2)(g) **Allegation J: Offensive Language**, § 87(2)(g)

PO Albarati issued § 87(2)(b) two moving violations for parking in front of a driveway (**Board Review 09**) and for violating posted no parking rules (**Board Review 10**). As of November 30, 2022, OCA has no record of § 87(2)(b) summonses (**Board Review 08**).

This case was originally assigned to former Investigator Aliza Klingenstein, and upon their departure from the CCRB the case was reassigned to Investigator Ariana Thomas.

BWC footage was obtained from NYPD Legal Bureau for the November 5, 2021 (**Board Review 01-04**) incident and the November 6, 2021, incident (**Board Review 05-06**). There is no other video evidence.

Findings and Recommendations

Allegation (A) Abuse of Authority: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that he double-parked in front of Rego Park Deli, a few centimeters behind a gold Lexus SUV (**Board Review 11**). On the corner of 98th street, § 87(2)(b) saw multiple police vehicles, including Lieutenant Fusaro's and PO Albarati's, which had its turret lights activated. § 87(2)(b) saw the officers' vehicle make a U-turn and stop in front of the gold Lexus. Over the police vehicle's PA system, the officers ordered the driver of the gold Lexus to move his vehicle and the driver complied. Over the police vehicle's PA system, the officers told § 87(2)(b) approximately three times, "Don't move, go back inside your vehicle." § 87(2)(b) remained standing near the driver's side door, as he was locking it, and did not get back inside his

vehicle.

His friend, § 87(2)(b) remained seated in the front passenger seat and no one else was in the vehicle.

Lieutenant Fusaro walked towards § 87(2)(b) and ordered him to get back inside his vehicle twice. Both times, § 87(2)(b) said no. Lieutenant Fusaro ordered § 87(2)(b) to produce his license and registration, and § 87(2)(b) complied. Lieutenant Fusaro took § 87(2)(b) documents and ordered him to leave the door open and stand behind his vehicle. § 87(2)(b) asked why, and Lieutenant Fusaro told him, "Because I said so," and again ordered § 87(2)(b) to stand behind the vehicle. § 87(2)(b) complied. Two patrol vehicles arrived, and Lieutenant Fusaro told Police Officer Steven Lafrance and Police Officer Marlenis Roque, both of the 112th Precinct and identified via investigation, to watch § 87(2)(b) and not let him go anywhere. Lieutenant Fusaro and PO Albarati then went inside their police vehicle for approximately one hour.

In Lieutenant Fusaro's BWC footage (**Board Review 01**), beginning at 00:55, Lieutenant Fusaro approaches a double-parked SUV and orders the driver to produce his license. At 01:05, he and PO Albarati walks towards § 87(2)(b) vehicle, which is double parked behind the SUV. § 87(2)(b) exits the driver's seat, as Lieutenant Fusaro and PO Albarati repeatedly order § 87(2)(b) to stay in the car. § 87(2)(b) closes the driver's door, stands outside the vehicle, and tells the officers he is going into the store. Lieutenant Fusaro orders § 87(2)(b) to produce his license. § 87(2)(b) complies and asks the officers why they are harassing him. Lieutenant Fusaro says that § 87(2)(b) is blocking an active traffic lane and orders him to remove his hands from his pockets. At 01:33, Lieutenant Fusaro tells § 87(2)(b) he is blocking an active traffic lane, is double parked, and has tinted windows. § 87(2)(b) begins to say that the windows are not tinted, as Lieutenant Fusaro, in a raised voice says, "I am not having no debate with you, shut your mouth. You think I am playing with you?" and orders § 87(2)(b) to step at the back of the vehicle. He complies. At 02:14, Lieutenant Fusaro returns to the first vehicle he stopped, orders the uninvolved driver to move, and says he is letting him go with a warning.

Lieutenant Fusaro's statement was generally consistent with the BWC footage (**Board Review 12**). He testified that prior to this incident, he encountered § 87(2)(b) approximately five times in the 18 months preceding the incident date. Lieutenant Fusaro removed an illegal gun from § 87(2)(b) during one of the past encounters and knew of other past violent crimes he committed. Lieutenant Fusaro and PO Albarati were on patrol in the vicinity of 63rd Road and 98th Street in Queens when they observed a vehicle blocking an active traffic lane in front of a deli, creating a dangerous condition for people and vehicles in the area. Lieutenant Fusaro knew the area surrounding the deli as a high crime area, which was drug prone and had previous gun violence. Therefore, the officers addressed the condition of stopped vehicles that blocked active traffic in the area. Lieutenant Fusaro approached the first vehicle that was blocking an active traffic lane. One to two minutes later, Lieutenant Fusaro observed another vehicle double park and block nearly the entire lane it parked in. After observing the violation, Lieutenant Fusaro recognized § 87(2)(b) and given his violent history and combative nature, Lieutenant Fusaro decided to ask the driver of the first vehicle to move and let him go with a warning, so that the officers could fully address the situation with § 87(2)(b). The sole purpose for stopping § 87(2)(b) vehicle was to address the illegal parking condition. Beyond the illegal parking, Lieutenant Fusaro did not suspect § 87(2)(b) of any criminality.

PO Albarati's statement was generally consistent with the BWC footage and Lieutenant Fusaro's testimony (**Board Review 13**). He testified that he and Lieutenant Fusaro observed § 87(2)(b) vehicle double parked and blocking an active traffic lane prior to initiating the stop.

An automobile stop is lawful when an officer has probable cause to believe that an individual has violated the Vehicle and Traffic Law. People v. Robinson, 97 N.Y.2d 341 (2001) (**Board Review 14**). New York Vehicle and Traffic Law, 1202, §A, prohibits double parking, except when necessary to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer (**Board Review 15**).

Given corroborating civilian and officer accounts and BWC footage, it is undisputed that § 87(2)(b) vehicle was double parked. § 87(2)(g)

Allegation (B) Abuse of Authority: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro threatened to arrest § 87(2)(b)

Allegation (C) Abuse of Authority: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro threatened to arrest § 87(2)(b)

Allegation (D) Abuse of Authority: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro threatened § 87(2)(b) with the use of force.

Allegation (E) Discourtesy: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro spoke discourteously to § 87(2)(b)

Allegation (F) Offensive Language: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (G) Discourtesy: On November 5, 2021, at 97-34 63rd Road in Queens, Lieutenant Christopher Fusaro spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that as Lieutenant Fusaro and PO Albarati were inside their vehicle, over the police vehicle's PA system, Lieutenant Fusaro said, "Stop putting your hands in your pocket, I am allowed to beat you down to the floor," and "You know what charges you have; I can beat you down to the floor." § 87(2)(b) did not respond. § 87(2)(b) girlfriend, § 87(2)(b) arrived in an Uber after § 87(2)(b) notified her about what was happening and stood on the sidewalk approximately two feet away from § 87(2)(b) vehicle, while § 87(2)(b) remained seated in the vehicle. § 87(2)(b) and the owner of the deli, § 87(2)(b) exited the deli and stood on the sidewalk. § 87(2)(b) and § 87(2)(b) walked towards § 87(2)(b) vehicle and Lieutenant Fusaro ordered them not to go inside, and they complied. After approximately one hour, Lieutenant Fusaro and PO Albarati issued § 87(2)(b) summonses. As Lieutenant Fusaro walked away, he told § 87(2)(b) "Thanks again for not crying again like a little bitch in front of your friends."

In Lieutenant Fusaro's BWC footage (**Board Review 01**), at 03:15, Lieutenant Fusaro orders § 87(2)(b) to produce his vehicle's insurance and registration. § 87(2)(b) complies. At 03:58, Lieutenant Fusaro and § 87(2)(b) walk to the back of § 87(2)(b) vehicle, where PO Lafrance and PO Roque stand. At 04:05, § 87(2)(b) stands on the sidewalk, holding his phone in front of his face and in the direction of the officers and § 87(2)(b). The flashlight on the phone's camera is activated. There appears to be no other civilians around § 87(2)(b). At 04:18, Lieutenant Fusaro says, "Guy, turn off that flashlight, you're putting that flashlight in my eyes." At 04:23, Lieutenant Fusaro walks towards § 87(2)(b) whose phone's flashlight is still activated and says, "For my safety, you turn that off now." § 87(2)(b) puts his phone down and turns off the flashlight. Lieutenant Fusaro says, "You turn that off now or you will be placed under arrest for disorderly conduct." § 87(2)(b) says he does not have a flashlight on. At 04:40, Lieutenant Fusaro enters the front passenger's seat of a police vehicle with § 87(2)(b) license in hand. At

08:34, Lieutenant Fusaro briefly exits the police vehicle and tells § 87(2)(b) “I am not going to tell you again, turn the flashlight off that car putting that in my eyes. Shut your mouth,” before returning. At 11:07, over the police vehicle’s PA system, Lieutenant Fusaro tells § 87(2)(b) “Take your hands out of your pants. Stop reaching in your pockets and your pants. Listen, you’re a known gun carrier. I’m not playing games with you. You do that again; I’m cuffing you up and taking you in. I am not playing games with you.” At 13:33, over the police vehicle’s PA system, Lieutenant Fusaro says, “I promise you we’re not scared, but I want to thank you for not crying like you did in our cells. Thank you” and laughs. At 19:38, Lieutenant Fusaro and PO Albarati exit the police vehicle. PO Albarati hands § 87(2)(b) his summonses. He and Lieutenant Fusaro return to their vehicle and enter it.

§ 87(2)(b) statement was generally consistent with the BWC footage (**Board Review 16**). He testified that he entered the deli as Lieutenant Fusaro and PO Albarati stopped § 87(2)(b) vehicle. § 87(2)(b) exited the deli after approximately 30 seconds and stood on the sidewalk approximately four to five feet away from § 87(2)(b) vehicle. § 87(2)(b) began to record the incident with his cellphone with the flash activated. Approximately two minutes after § 87(2)(b) began recording, Lieutenant Fusaro became upset and started shining his flashlight in § 87(2)(b) face, saying he was going to arrest § 87(2)(b) because the flashlight was a threat to his life. § 87(2)(b) captured the officers in front of and behind § 87(2)(b) and § 87(2)(b) car, and denied ever pointing his flashlight in any of the officers’ faces. He remained approximately five feet away from the officers as he recorded the incident. Lieutenant Fusaro ordered § 87(2)(b) to turn his flashlight off, and § 87(2)(b) complied and recorded another video with the camera’s flash deactivated.

Lieutenant Fusaro’s statement was generally consistent with the BWC footage. He testified that throughout the incident a couple of civilians on the street, including § 87(2)(b) shined flashlights in the officers’ eyes from approximately 10 to 15 feet away. This made it “very dangerous and difficult for [the officers] to see, which made it basically impossible [for the officers] to do [their] job properly.” Lieutenant Fusaro was blinded by the flashlights on scene. He was able to carry out his duties with great difficulty, as the civilians kept deactivating and reactivating their flashlights. Lieutenant Fusaro recognized § 87(2)(b) and knew he also had a violent history like § 87(2)(b). Lieutenant Fusaro interacted with § 87(2)(b) only one or two times before but knew § 87(2)(b) history from reports and information that circulated the command. The civilians also used offensive language towards Lieutenant Fusaro, saying, “Fuck you.” Lieutenant Fusaro did not recall any other specific statements, verbal threats, or physical threats made by these civilians. He instructed the civilians to stop shining their flashlights numerous times because it created a dangerous situation, and he did not want the situation to escalate. Aside from the flashlights shining in his eyes numerous times, he could not recall anything else the civilians were doing that created a dangerous situation. Lieutenant Fusaro informed the civilians that shining the flashlights constituted disorderly conduct. This also constituted Obstructing Government Administration (“OGA”), but since Lieutenant Fusaro felt that the civilians would not understand what OGA was, he referred to the violation as disorderly conduct. Lieutenant Fusaro communicated to § 87(2)(b) that this could be an arrestable offense because he was creating a dangerous situation. Other than failing to abide by his lawful order to refrain from shining the flashlight, Lieutenant Fusaro could not recall any other way that § 87(2)(b) was guilty of OGA. From his police vehicle’s PA system, Lieutenant Fusaro told § 87(2)(b) who reached for his waistband and failed to comply with lawful orders to stop doing so, “You do that again; I’m cuffing you up and taking you in. I’m not playing games with you.” Given that a summons was issued in lieu of an arrest, and that the situation was escalating and becoming unsafe on the street level, Lieutenant Fusaro would have been justified in handcuffing § 87(2)(b) and removing him from the scene to give him summonses at the stationhouse, where

there would have been a safer environment or where the officers could have processed his summonses as an arrest. § 87(2)(b) could have been arrested for any of the reasons that the officers stopped him, including for having an improperly displayed license plate and double parking, as a summons is issued in lieu of an arrest. Lieutenant Fusaro said, “I want to thank you for not crying like you did in our cells. Thank you,” to § 87(2)(b) over the police vehicle’s PA system because when he previously arrested § 87(2)(b) for a gun arrest, § 87(2)(b) cried, was “hysterical,” and said he wanted to turn his life around. Lieutenant Fusaro intended his statement to “maybe trigger him” to not be aggressive and combative in the situation. Lieutenant Fusaro cited § 87(2)(b) general attitude and demeanor to explain why he believed § 87(2)(b) nature was combative, as § 87(2)(b) did not want to comply with officers and did not believe he had done anything wrong. Lieutenant Fusaro denied saying “I am allowed to beat you down to the floor,” “Thank you for not crying like a little bitch,” or ever calling § 87(2)(b) a, “Bitch.”

New York State Penal Law 195.05 (Board Review 17), states that a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs, or perverts the administration of other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference.

Though Lieutenant Fusaro’s testified that § 87(2)(b) failed to comply with his lawful order to refrain from shining his flashlight, which made him guilty of OGA, the BWC footage shows that Lieutenant Fusaro ordered § 87(2)(b) to turn off his flashlight twice, in the span of approximately five seconds, and that § 87(2)(b) who was standing alone, complied with the order. Additionally, § 87(2)(b) remained on the sidewalk, at least a car’s length away from the officers, and never approached Lieutenant Fusaro. Furthermore, the BWC footage confirms that when he threatened to arrest § 87(2)(b) Lieutenant Fusaro had already initiated § 87(2)(b) vehicle stop, gathered his documentation, and was on his way to the police car to write § 87(2)(b) summonses. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

NYPD Patrol Guide, Procedure 208-01 (**Board Review 22**), states that officers can arrest an individual without a warrant for petty offenses, such as violations and traffic infractions, committed in their presence.

It is undisputed that § 87(2)(b) vehicle was double parked and that he was issued a summons, in lieu of an arrest, for this violation among others. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

NYPD Patrol Guide, Procedure 200-02, states that officers must “render [their] services with courtesy and civility,” and that they must, “maintain a higher standard of integrity than is generally expected of others” (**Board Review 19**). Under DAO-DCT Case Number 2015-15012, discourteous language may be excusable when an officer is speaking in the context of a dynamic situation over which he is still attempting to gain control. However, officers may not use profanity that is intended only to insult or belittle a civilian (**Board Review 21**).

The BWC footage confirms that Lieutenant Fusaro did not tell § 87(2)(b) “Thanks again for not crying again like a little bitch in front of your friends,” as § 87(2)(b) alleged. § 87(2)(g)

§ 87(2)(g)

However, the BWC footage does capture Lieutenant Fusaro saying, over the police vehicle’s PA system, “I want to thank you for not

crying like you did in our cells. Thank you,” and both Lieutenant Fusaro and PO Albarati laughing after. Though Lieutenant Fusaro said he made the statement to “trigger” § 87(2)(b) to not be combative and aggressive, Lieutenant Fusaro’s raising information regarding § 87(2)(b) past was irrelevant to the situation at hand, antagonizing, and used to insult § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The BWC footage confirms that Lieutenant Fusaro did not tell § 87(2)(b) over the police vehicle’s PA system, “Stop putting your hands in your pocket, I am allowed to beat you down to the floor,” or “I can beat you down to the floor,” as § 87(2)(b) alleged. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (H) Abuse of Authority: On November 6, 2021, at 69-01 Woodhaven Boulevard in Queens, Lieutenant Christopher Fusaro stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (I) Discourtesy: On November 6, 2021, at 69-01 Woodhaven Boulevard in Queens, Lieutenant Christopher Fusaro spoke discourteously to § 87(2)(b)

Allegation (J) Offensive Language: On November 6, 2021, at 69-01 Woodhaven Boulevard in Queens, Lieutenant Christopher Fusaro made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

§ 87(2)(b) testified that on November 6, 2021, at approximately 1:30 a.m., he was coming out of a Wendy’s drive-through with his girlfriend, § 87(2)(b) in the passenger seat and his two friends, § 87(2)(b) and § 87(2)(b) in the backseat (**Board Review 23**). While on Queens Boulevard, § 87(2)(b) turned his hazard lights on and pulled over to the right to clean a spill inside his car. § 87(2)(b) stopped between the entrance sign to an Imperial Hand car wash and the beginning of a driveway on the corner. He did not see any signs indicating he could not park there. After a couple of seconds, Lieutenant Fusaro and PO Albarati approached § 87(2)(b) vehicle. Lieutenant Fusaro asked § 87(2)(b) why he pulled over, and § 87(2)(b) said he spilled liquid and wanted to clean it before it got sticky. Lieutenant Fusaro ordered § 87(2)(b) to produce his license and registration, and he complied. After taking his license and registration, the officers returned to their vehicle, where they remained for approximately one hour. The officers returned to § 87(2)(b) vehicle and PO Albarati handed § 87(2)(b) two summonses. As Lieutenant Fusaro was walking away, he clicked his BWC off and told § 87(2)(b) “Thank you for not crying like a little bitch again in front of your friends.”

At 00:18 of PO Albarati’s BWC footage (**Board Review 05**), there is a “no parking anytime” sign next to § 87(2)(b) stopped vehicle.

In Lieutenant Fusaro’s BWC footage (**Board Review 06**), at 00:18, Lieutenant Fusaro approaches § 87(2)(b) vehicle. Though there is no audio, § 87(2)(b) and Lieutenant Fusaro presumably speak to one another. At 01:00, Lieutenant Fusaro orders § 87(2)(b) to produce his license and registration and says that § 87(2)(b) pulled over in a no-standing lane, has an improperly displayed license plate, and has illegal window tints. § 87(2)(b) hands Lieutenant Fusaro his license and he and PO Albarati return to their police car. At 11:19, the officers exit their police car. PO Albarati hands § 87(2)(b) his summonses as Lieutenant Fusaro turns around and walks towards the police car. As Lieutenant Fusaro approaches the front passenger’s door of the police car, he deactivates his BWC.

Lieutenant Fusaro’s statement was generally consistent with the BWC footage. He testified that

he observed a Mercedes-Benz with an improperly displayed license plate blocking a traffic lane on Woodhaven Boulevard and conducted a vehicle stop. Initially, it was difficult for Lieutenant Fusaro to recognize § 87(2)(b) since it was late at night, but shortly after interacting with him, Lieutenant Fusaro could discern it was him. After PO Albarati handed § 87(2)(b) the summons, Lieutenant Fusaro did not recall saying anything else to § 87(2)(b) and denied saying, “Thank you for not crying again like a little bitch in front of your friends.” He did not recall ever using the word “bitch.”

PO Albarati’s statement was generally consistent with the BWC footage and Lieutenant Fusaro’s statement. He testified that he and Lieutenant Fusaro observed § 87(2)(b) vehicle parked in a no standing zone prior to initiating the stop. PO Albarati did not recall Lieutenant Fusaro saying anything to § 87(2)(b) when the officers issued § 87(2)(b) his summonses. PO Albarati did not hear Lieutenant Fusaro tell § 87(2)(b) “Thank you for not crying like a little bitch again in front of your friends,” or call him a “bitch.”

§ 87(2)(b) was issued a summons for violating posted no parking rules (**Board Review 10**) and parking in front of a driveway (**Board Review 09**).

Per the New York City Department of Transportation Traffic Rules, Title 34, § 4-08 (**Board Review 24**), no person shall stand or park a vehicle in front of a public driveway, unless otherwise indicated by posted signs, marking or other traffic control devices, or at the direction of a law enforcement officer. Additionally, when official signs, markings or traffic control devices have been posted prohibiting, restricting, or limiting the parking of vehicles, no person shall park any vehicle in violation of the restrictions posted on such signs, markings or traffic control devices.

Though § 87(2)(b) said he did not see any signs indicating that he could not park where he did, the BWC footage supports the officers’ consistent testimony that § 87(2)(b) stopped his vehicle in a no-parking zone. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (**Board Review 25, 26**).
- Lieutenant Fusaro has been a member of service for 17 years and has been a subject in 15 CCRB complaints and 35 allegations, of which three were substantiated.
 - Case #202101107 involved a substantiated allegation of a discourteous action. The Board recommended Command Discipline A, which the NYPD imposed.
 - Case #202101374 involved substantiated allegations of a question and a threat of force. The Board recommended Charges and the NYPD has not yet imposed discipline.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 25, 2022, the New York City Office of the Comptroller has no record of a

Notice of Claim being filed in regard to this incident (**Board Review 27**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 16

Investigator: Ariana Thomas Inv. Ariana Thomas 01/04/2023
Signature Print Title & Name Date

Squad Leader: Patrick Yu IM Patrick Yu 01/05/2023
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date